



Federal Communications Commission  
Washington, D.C. 20554

**DA 07-4754**

November 28, 2007

Mr. David Tillotson  
Law Office of David Tillotson  
4606 Charleston Terrace, N.W.  
Washington, D.C. 20007

Re: Call Sign E910617  
File No. SES-LIC-20071107-01541

Dear Mr. Tillotson:

On November 7, 2007, the Law Office of David Tillotson filed, on behalf of North American Leasing, the above-captioned application for authority to operate a temporary-fixed earth station that will operate within the Conventional C-Band and the Conventional Ku-Band.<sup>1</sup> Pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), we dismiss the application as defective without prejudice to refile.

Section 25.112 of the Commission's rules, 47 C.F.R. § 25.112, requires the Commission to return, as unacceptable for filing, any earth station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. North American Leasing's application does not comply with the Commission's rules, which renders it unacceptable and subject to dismissal. The deficiencies are as follows:

Question 28 of Form 312 indicates that a radiation hazard study must accompany all applications as an exhibit for new transmitting facilities such as the one proposed.<sup>2</sup> However, North American Leasing's application does not include this required exhibit. Additionally, North American Leasing does not provide a response to item E41/42 of Schedule B regarding the antenna gain in the Ku-Band or to items E56 through E60 of Schedule B regarding the azimuth angle, elevation angle, and maximum EIRP density toward the horizon. Without this information, the application is incomplete.

Further, the application lists ALSAT-designated satellites as the earth station's only intended points of communication. Earth station applicants may not use the ALSAT designation in cases where the earth station's power density exceeds the limits in Section 25.212(c) of the Commission's rules, 47 C.F.R. § 25.212(c). Applicants proposing operations exceeding these

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<sup>1</sup> The conventional C-band encompasses the 3700-4200 MHz and 5925-6425 MHz frequency bands. The conventional Ku-band encompasses the 11.7-12.2 GHz and 14.0-14.5 GHz frequency bands.

<sup>2</sup> See 47 C.F.R. § 1.1307(b).

limits must identify specific satellites as points of communications.<sup>3</sup> In response to item E49 of Schedule B, North American Leasing lists 44.54 dBW/4kHz as the maximum equivalent isotropic radiated power (eirp) density per carrier for emission 24M0G7F. Based on this information, we calculate the power density at the input of the antenna flange as -1.96 dBW/4 kHz (subtracting the antenna gain from the eirp density). This value exceeds the -2.7 dBW/4 kHz power density limit in Section 25.212(d)(2). Thus, North American Leasing cannot use an ALSAT designation and must specifically list all satellites with which the earth station intends to communicate.

Additionally, applicants requesting authority for earth stations that will operate at a power density exceeding the levels in Section 25.212(d)(2) must submit a certification described in Section 25.220(e)(1) of the Commission's rules, 47 C.F.R. § 25.220(e)(1) from each target satellite operator. North American Leasing's application does not include these certifications.

Finally, in response to item E18 of Schedule B, North American Leasing indicates that frequency coordination is not required. Pursuant to Section 25.203(c) of the Commission's rules, 47 C.F.R. § 25.203(c), however, all earth station applicants must complete frequency coordination if the earth station will operate in frequency bands shared with terrestrial services on a co-primary basis, such as the 5925-6425 MHz band proposed in North American Leasing's application. Since North American Leasing proposes to operate the station as a temporary-fixed earth station, Section 25.277(f) of the Commission's rules requires it to complete frequency coordination for the initial location if it is known or to include a statement in its application that indicates it will conduct frequency coordination prior to operating the earth station.

While we dismiss the application on the grounds discussed above, we take the opportunity to apprise the applicant of another issue with the application should it choose to refile. In particular, in response to Question 26 of the FCC Form 312 Main Form, North American Leasing indicates that the earth station is a Transmit/Receive station. In response to items E43/E44 and E52/53 of the FCC Form 312 Schedule B, however, North American Leasing lists only the transmit frequency ranges (5925-6425 MHz) and (14000.0-14500.0 MHz). In any refiling, North American Leasing should list a receive frequency range and all associated technical parameters (items E28, E41/42, E43/44, E45 through E47, and E50 through E59) or change the designation of the station in the Main Form to Transmit-only.

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<sup>3</sup> Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Services in the United States, First Order on Reconsideration, IB Docket No. 96-111, 15 FCC Rcd 7207-7210 n.19.

In light of the above, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1) and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss North American Leasing's application without prejudice of refiling.<sup>4</sup>

Sincerely,

Scott A. Kotler  
Chief, Systems Analysis Branch  
Satellite Division  
International Bureau

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<sup>4</sup> If North American Leasing refiles an application identical to the one dismissed, with the exception of supplying the corrected information, it need not pay an application fee. See 47 C.F.R. § 1.1109(d).